

AMENDMENT
Patent Application Serial No. 10/695,154

Attorney Docket No.: Case 7039
Page - 5-

REMARKS / ARGUMENTS:

Claims 1-7 are in the case and presented for consideration.

The Office has required restriction of the application to one of the following groups of claims:

Group I - claims 1-14, drawn to a tube support structure; and

Group II - claims 15-19, drawn to a method for making a tube support.

The examiner has asked for affirmation of the provisional election of Group 1 that was made by telephone on June 30, 2004. Applicant hereby affirms the provisional election and elects prosecution of Group I, without traverse, subject to applicants' right to seek protection for the non-elected embodiments in divisional and continuation applications therefor.

Claim 10 was rejected under 35 U.S.C. 112 as being indefinite. Claim 10 has been drafted to avoid the examiner's 112 rejection and is believed to be in proper form.

Claims 1-3, 5, 6, and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,295,935 to Anthony.

Applicant respectfully traverses the examiner's rejection for the following reasons.

Independent claim 1 recites at least one limitation not taught or suggested by the cited prior art. Claim 1 recites a "support bar comprised of a first metallic strip attached to a second metallic strip at spaced intervals." Applicant submits that Anthony '935 fails to teach or suggest a support bar comprising a first metallic strip attached to a second metallic strip at spaced intervals.

The Office states that Anthony discloses a tube support structure (16) that includes "a tube support bar which comprises zircaloy strips (26, 28) and stainless steel strips (34, 36) in which the coefficient of thermal expansion of zircaloy is greater than stainless steel."

However, applicant notes that the zircaloy strips (26,28) are not attached to the stainless steel strips (34, 36) as required by independent claim 1. The zircaloy (26, 28) and

AMENDMENT
Patent Application Serial No. 10/695,154

Attorney Docket No.: Case 7039
Page - 6-

stainless steel (34, 36) strips do not even make contact. The stainless steel strips (34, 36) are only attached to the external surface of the outer perimeter strips 24. (See col. 4, lines 10-32; col. 7, lines 42-50; col 8, lines 9-32). By contrast, zircaloy strips (26, 28) are arranged inside the perimeter strips 24.

Claims which depend from claim 1 are also not obvious for the same reasons as stated above.

With regard to claim 14, Anthony '935 fails to teach or suggest the recited limitation of "a spring means welded to at least one of the bars at intervals, the spring means having a thinner thickness than the bar." The Office states that the spring means is represented by element (38) and the bars (42). However, Anthony '935 states in col. 12, lines 16-22,

Insofar as concerns the method of attachment of the stainless steel strips 38 and 40 to the rods 42, any suitable method of securement may be employed. To this end, preferably the stainless steel strip 38 has its respective ends suitably attached such as by welding to each of the bands 40. The bands 40 which are of stainless steel construction circumferentially surround the rod 42.

Thus, element (38) is welded to band (40). Element (38) is not attached to rod (40).

Claims 4 and 9 were rejected under 35 U.S.C. 103(a) as being obvious from U.S. Patent 4,295,935 to Anthony. Applicant traverses the Office's rejection for the same reasons stated above.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

AMENDMENT
Patent Application Serial No. 10/695,154

Attorney Docket No.: Case 7039
Page - 7-

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

Favorable action is respectfully requested.

Respectfully submitted,



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